

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: Edward Lyle Gross and  
Nellie Daune Roberts,  
Debtors.

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BKY 02-94367 GFK

SCHEDULING ORDER AND  
ORDER FOR TRIAL

Michael S. Dietz, Trustee of the Bky Estate  
of Edward L. Gross and Nellie Daune Roberts,

Plaintiff,

vs.

ADV 03-3114

Edward L. Gross and Nellie Daune Roberts,

Defendants.

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The Great West Life Assurance Company,

Plaintiff,

vs.

ADV 03-3090

Edward L. Gross and Nellie Daune Roberts,

Defendants.

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IT IS HEREBY ORDERED:

The stipulation to extend dealines in these adversary proceedings has expired. The following deadlines are set going forward to trial:

1. **Witness Lists**. No later than **July 21, 2004**, counsel for each party shall prepare, serve, and file a list of the names and addresses of all witnesses whom counsel may call at trial.

2. **Exhibits**. By the following deadlines, counsel shall take the following actions with respect to exhibits:

- a. By **August 1, 2004**: counsel shall serve and file a list of all exhibits that counsel may offer at trial. *The plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter.*
- b. By **August 1, 2004**: counsel shall exchange full copies of all exhibits identified in their lists.

- c. By **August 11, 2004**: counsel shall prepare, sign, and file a stipulation as to the admissibility of as many designated exhibits as possible. The stipulation may go to the foundation and authenticity alone (reserving objection as to relevancy), or may go to admissibility as a whole.
- d. By **August 11, 2004**: counsel shall file a statement of their client's specific objections as to all exhibits not covered by the stipulation contemplated by Term 4.c.

In addition to the copy of their client's exhibits to be offered formally into evidence, counsel shall bring to trial two full additional collated and stapled copies of all exhibits (for the judge and the law clerk), plus an additional such copy for each opposing party's review and use at trial. All such copies shall be premarked according to the identification system of Term 4.a., with the proponent (plaintiff or defendant) identified in the marking. If there are multiple parties plaintiff or defendant, each such shall identify itself as a plaintiff or defendant with an additional abbreviated form of the name by which it is identified in the caption.

3. **Stipulation of Fact.** By **August 1, 2004**, counsel for all parties shall jointly (by case) prepare, sign, and file a stipulation of uncontroverted facts, particularly as to basic documentary and transactional events. *For the purposes of this requirement, a stipulation is an **express agreement among parties**. The court does not wish to see a document entitled "stipulation of facts" that is actually one party's unilateral statement of facts that it believes are uncontroverted, or should be, and will give no weight or cognizance to such a document.*

4. **Motions in Limine.** By **August 1, 2004**, counsel shall serve and file all motions in limine. If the issues in such motions are complex, counsel shall set such motions on the calendar for a date *before* the date of the trial.

5. **Trial Briefs.** By **August 11, 2004**, counsel shall serve and file trial briefs, setting forth the factual and legal bases of their clients' positions, and with thorough citations to all statutes, court decisions, and other law on which they will rely.

6. **Pre-trial Settlement.** Counsel and the parties are strongly encouraged to time and conduct their negotiations so as to advise the court of settlement no later than seven days before the scheduled trial, in order to allow the court's calendar to be cleared for other matters

7. **Trial.** The court will call this matter for trial on **September 1, 2004 at 9:30 a.m.**, in Courtroom 228B, 316 N Robert Street, St Paul Minnesota 55101. The court has allotted **one (1) day(s)** for trial. Counsel and the parties shall be prepared to fully submit this matter within that time. NO FURTHER NOTICE OF THE TRIAL DATE WILL BE GIVEN.

8. **Effect of This Order.** All deadlines in this order are mandatory, unless extended by order. Such an extension may be obtained once, on stipulation reciting specified good cause in its terms, and otherwise only by formal motion. ***If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED. R. CIV. P. 16(f), as incorporated by FED. R. BANKR. P. 7056.***

BY THE COURT:

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Dated: June 9, 2004

GREGORY F. KISHEL  
CHIEF UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

I, Anita M. Larson, hereby certify:

That I am the Calendar Clerk to Chief Judge Gregory F. Kishel, of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on **June 9, 2004**, true and correct copies of the annexed:

SCHEDULING ORDER NO. 8

were placed by me in individual official envelopes; that said envelopes were addressed individually to each of the person(s), corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

MICHAEL S DIETZ ESQ  
DUNLAP LAW OFFICE  
PO BOX 549  
ROCHESTER MN 55903

JAMES RYAN ESQ  
RYAN & GRINDE LTD  
PO BOX 356  
ST CHARLES MN 55972

CHRISTOPHER SEIDL ESQ  
ROBINS KAPLAN MILLER & CIRESI  
800 LASALLE AVE SSTE 2800  
MINNEAPOLIS MN 55402-2015

and this certificate was made by me.

/e/Anita Larson  
Deputy Clerk